

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

NOLTE, CAROL

(b) County of Residence of First Listed Plaintiff MONMOUTH COUNTY  
(EXCEPT IN U.S. PLAINTIFF CASES) New Jersey

(c) Attorneys (Firm Name, Address, and Telephone Number)

NEIL DURKIN LAW OFFICE, LLC (856) 330-6284  
NEIL E. DURKIN, ESQ.  
601 LONGWOOD AVENUE, Cherry Hill, NJ 08002

## DEFENDANTS

PUENTE NAZCO, ARMANDO; USA FREIGHT SYSTEMS, INC.; TRANSPORT FREIGHT, INC.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- |   |                                       |                                       |   |                                |                                |
|---|---------------------------------------|---------------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State                   | PTF <input type="checkbox"/> 1        | DEF <input type="checkbox"/> 1        | Incorporated or Principal Place of Business In This State     | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State                | <input checked="" type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5     | <input type="checkbox"/> 5     |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6     | <input type="checkbox"/> 6     |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

28 USCA §1332 Diversity  
Motor vehicle crash

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$  
>150,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE  
08/18/2021

SIGNATURE OF ATTORNEY OF RECORD

## FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_



UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

## DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: Carol Nolte 105 Bay Avenue Atlantic Highlands, NJ 07716

Address of Defendant: Armando Puente Nazco 1 Tattershall Rd, Greenville, SC 29605; US Freight Systems Inc. 825 SW 44th Ave., Lot A, Miami, FL 33134; Transport Freight Inc., 13120 SW 92nd Ave Apt B-118, Miami FL 33176

Place of Accident, Incident or Transaction: Greenwich Township, Berks County

## RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |  |                              |  |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 8/18/2021 [Signature] PA 65265  
 Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

CIVIL: (Place a ☒ in one category only)

## A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases
- (Please specify): \_\_\_\_\_

## B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☒ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): \_\_\_\_\_
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases
- (Please specify): \_\_\_\_\_

## ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Neile E. Durkin, Esq, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: 8/18/2021 [Signature] PA 65265  
 Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

No.

## COMPLAINT

1. Plaintiff Carol Nolte is an adult individual residing at 105 Bay Avenue, Atlantic Highlands, NJ 07716.
2. Defendant Armando Puente Nazco is an adult individual residing at 7 Tattershall Road, Greenville, SC, 29605.
3. Defendant USA Freight Systems, Inc., is a corporate entity with its principal place of business at 825 SW 44<sup>th</sup> Ave., Lot A, Miami FL, 33134.
4. Defendant Transport Freight, Inc., is a corporate entity with its principal place of business at 13120 SW 92th Ave., Apt B-118, Miami, FL 33176

## JURISDICTION AND VENUE

5. This court has jurisdiction of this action pursuant to 28 U.S.C.A. §1332 in that the



Plaintiff and Defendants are citizens of diverse states. Plaintiff is a citizen of New Jersey. Defendant Puente Nazco is a citizen of South Carolina and Defendants USA Freight Systems, Inc., and Transport Freight, Inc., are corporations based in Florida.

6. The amount in controversy exceeds One Hundred Fifty Thousand Dollars (\$150,000.00), exclusive of interest and costs.

7. Venue is proper under 28 U.S.C.A. §1391 in that the events or omissions giving rise to this claim occurred in Greenwich Township, Berks County, Pennsylvania.

#### **JURY DEMAND**

8. Plaintiff demands Trial by Jury on all issues.

#### **COUNT ONE** **NOLTE v. PUENTE NAZCO**

9. On October 14, 2019, Plaintiff Carol Nolte was the operator of a motor vehicle traveling westbound on I-78 in Greenwich Township.

10. As plaintiff slowed for traffic ahead, her vehicle was struck from behind by a tractor trailer operated by Defendant Armando Puente Nazco causing serious injury to plaintiff.

11. The negligence and carelessness of Defendant Puente Nazco consisted of the following acts or omissions to act:

- a. striking a vehicle from behind;
- b. failing to keep a proper lookout;
- c. driving in a careless and dangerous manner;
- d. being an inattentive driver; and
- e. failing to properly observe other traffic on the roadway

12. The negligence and carelessness of Defendant as set forth above, was the proximate cause of the injuries sustained by the Plaintiff and such injuries were due, in no way, to any act or

failure to act on part of the Plaintiff.

13. As a direct and proximate result of the negligence of the Defendant, Plaintiff suffered severe and serious injuries, including but not limited to: injuries to her spine, ambulation dysfunction, and other injuries, all of which are permanent in nature and all to her great detriment and loss, financial and otherwise.

14. As a further direct and proximate result of the negligence of Defendant, Plaintiff has in the past and may, into the indefinite future, endure pain, suffering, loss of life's pleasures, inconvenience, mental anguish, emotional distress, scarring, embarrassment and humiliation, all to her great detriment and loss, financial and otherwise.

15. As a further direct and proximate result of the negligence of Defendant, Plaintiff has been, and will into the indefinite future, be prevented from engaging in her normal and customary duties and activities, all to her great detriment and loss.

16. As a further direct and proximate result of the negligence of Defendant, Plaintiff has in the past, and may into the indefinite future, incur expenses for doctor, hospital, and nursing care along with medicines and other medical care, all to her detriment and loss, financial and otherwise.

17. As a further direct and proximate result of the negligence of the Defendant, Plaintiff has suffered a loss of earnings and earnings capacity.

**WHEREFORE**, Plaintiff Carol Nolte demands judgment against Defendant Armando Puente Nazco for damages in an amount in excess of the federal arbitration limits together with such other relief as the law may allow.

**COUNT TWO**  
**NOLTE v. USA FREIGHT SYSTEMS, INC**

18. The allegations of the preceding paragraphs are incorporated into this count as though set forth at length.

19. At all relevant times, Defendant USA Freight Systems, Inc, was the employer of Defendant Puente Nazco.

20. Defendant USA Freight Systems, Inc is responsible for the acts and omissions of Defendant Puente Nazco under the doctrines of agency, master and servant, respondeat superior and vicarious liability.

21. As a result of the negligence and carelessness of Defendant Puente Nazco for which Defendant USA Freight Systems, Inc., is responsible, Plaintiff sustained the injuries detailed above.

**WHEREFORE**, Plaintiff Carol Nolte demands judgment against Defendant USA Freight Systems, Inc., for damages in an amount in excess of the federal arbitration limits together with such other relief as the law may allow.

**COUNT TWO**  
**NOLTE v. TRANSPORT FREIGHT, INC.**

22. The allegations of the preceding paragraphs are incorporated into this count as though set forth at length.


23. At all relevant times, Defendant Transport Freight, Inc., was the employer of Defendant Puente Nazco.

24. Defendant Transport Freight, Inc., is responsible for the acts and omissions of Defendant Puente Nazco under the doctrines of agency, master and servant, respondeat superior and vicarious liability.

25. As a result of the negligence and carelessness of Defendant Puente Nazco for which Defendant Transport Freight, Inc., is responsible, Plaintiff sustained the injuries detailed above.

WHEREFORE, Plaintiff Carol Nolte demands judgment against Defendant Transport Freight, Inc., for damages in an amount in excess of the federal arbitration limits together with such other relief as the law may allow.

NEIL DURKIN LAW OFFICE, LLC

By:   
Neil E. Durkin, Esquire

Dated: 8/18/2021